

FILED

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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TIFFANY WELLS,

*

Plaintiff,

*

-vs-

* Case No:

'11 CV 0640 LAB

NLS

[Signature]
DEPUTY

CREDIT PROTECTION ASSOCIATION,

*

Defendant.

*

COMPLAINT

JURISDICTION

Jurisdiction of this court arises under 28 U.S.C. 1331 and pursuant to 15 U.S.C. 1681 et seq, and pursuant to 28 U.S.C. 1337 for pendent state law claims. This action arises out of Defendant's violations of the Fair Credit Reporting Act., 15 U.S.C. 1681, et seq' ("FCRA")

PARTIES

Plaintiff, Tiffany Wells., is a natural person residing in the State of California, County Of San Diego. Plaintiffs address is 404 Aguila st, Carlsbad , California 92008.

Defendant Credit Protection Association , does business in Texas and California, and mailing address is 13355 Noel Rd Ste 2100 Dallas ,Tx.75240 The Registered Agent is CT Corporation System and its address is 350 North St. Paul St., Ste. 2900 Dallas Tx. 75201

VENUE

[Signature]

Venue is proper in this district because the acts and transactions occurred here, and the Defendants transact business here.

FACTS

In Feb 2011, After viewing Plaintiff's credit report . Plaintiff noticed a collection listed by the Credit Protection Association. Doubting the veracity and accuracy of this listing Plaintiff initiated a dispute via Experian's Online Consumer Dispute Resolution interface. Defendant reported this information as verified to Defendant Experian

Despite Plaintiff's request for reinvestigation, and never having actually been provided verification, Defendants continued to list this debt on Plaintiffs Credit report.

Defendant Credit Protection Association furnished inaccurate information about this debt, namely that said account was disputed by the Plaintiff in violation FCRA 623(a) and 15 USC 1681s-2(b). Defendant Credit Protection Associations also was aware of the disputed nature of said accounts and failed to ensure that said accounts were accurately reported.

As a result of the Defendants activities or lack thereof the Plaintiff has suffered loss of self-esteem and peace of mind, and has suffered emotional distress, humiliation and embarrassment, and defamation of Credit.

The acts and omissions of the Defendants and its representatives, employees and or agents constitute numerous and multiple violations of the FCRA.

All actions taken by employees, agents, servants, or representatives of any type for Defendant were taken in the line and scope of such individuals' (or entities') employment, agency, or representation.

Defendants' actions - engaging in a pattern and practice of wrongful and unlawful behavior, i.e. reporting false and inaccurate information - were malicious, wanton, reckless, intentional or willful, and performed with the desire to harm Plaintiff, with the knowledge that their actions would very likely harm Plaintiff, and that their actions were

taken in violation of the law.

The actions, omissions, misrepresentations, and violations of the FCRA, federal law, and state law by Defendants, regarding the Plaintiff's disputed account, as described herein, constitute harassment which has resulted in the negligent and intentional infliction of mental and emotional distress upon Plaintiff proximately causing Plaintiff to suffer severe mental distress, mental and physical pain, embarrassment, and humiliation of which Plaintiff will in the future continue to suffer.

FCRA CLAIMS

Plaintiff incorporates by reference all previous paragraphs.

In the entire course of their actions, Defendant willfully and/or negligently violated multiple provisions of the FCRA in one or more of the following respects:

a. By willfully and/or negligently failing to comport with reinvestigation procedures listed by the FCRA

Taking illegal actions against Plaintiffs

- b. Refusing to properly update Plaintiffs' accounts;
- c. Failing to show the accounts as being "disputed" by Plaintiffs; and
- d. Reporting the invalid debt on Plaintiffs' credit reports.

The foregoing acts and omissions were undertaken by Defendant willfully, intentionally, and knowingly as part of their routine debt collection business and/or in gross reckless disregard for Plaintiffs' rights.

As a result of the above violations of the FCRA, Defendant is liable to Plaintiff for a declaratory judgment that their conduct violated the FCRA, and Plaintiffs' actual damages, statutory damages, and punitive damages.

FDCPA

Plaintiff incorporates by reference all previous paragraphs.

In the entire course of their actions, Defendant willfully and/or negligently violated multiple provisions of the FDCPA in one or more respects.

The foregoing acts and omissions were undertaken by Defendant willfully, intentionally, and knowingly as part of their routine debt collection business and/or in gross reckless disregard for the Plaintiffs rights.

As a result of the above violations of the FDCPA, Defendant is liable to Plaintiff for a declaratory judgment that their conduct violated the FDCPA, and Plaintiffs' actual damages, statutory damages, and punitive damages.

NEGLIGENT, RECKLESS AND WANTON CONDUCT

Plaintiff incorporates herein by reference paragraphs all previous paragraphs.

Defendant's acts, as described herein, were done so negligently and without care or concern for the well-being of the Plaintiff.

As a proximate consequence of the defendant's negligence, Plaintiff has been caused to suffer severe emotional and mental distress, and Defendant is liable to Plaintiff for actual, compensatory, and punitive damages, costs, and any other and further relief deemed appropriate by this Court.

HARASSMENT

Plaintiffs incorporate by reference all previous paragraphs

Defendants' acts, as described herein, were done so intentionally, maliciously, and willfully, and without care or concern for Plaintiffs well being. The Defendant's harassing collection tactics, and/or refusal to assure the accuracy of the information published regarding the Plaintiff, created a hostile environment for Plaintiff.

As a proximate consequence of the Defendant's harassment, Plaintiff has been caused to suffer severe emotional and mental distress, and Defendant is liable to Plaintiffs for actual, compensatory, and punitive damages, costs and any other further relief deemed appropriate by this Court.

INVASION OF PRIVACY

Plaintiffs incorporate by reference all previous paragraphs.

Defendant's conduct, as described herein, constitutes an invasion of Plaintiffs' privacy in that it intrudes into Plaintiff private life, publishes private facts regarding Plaintiffs, and places Plaintiff in a false light in the eyes of those to whom the publications are made.

Defendant's actions were done maliciously, without privilege, and with a willful intent to injure Plaintiff.

As a proximate consequence of the Defendant's invasion of Plaintiffs privacy, Plaintiff has been caused to suffer severe emotional and mental distress, and the Defendants is liable to Plaintiff for actual, compensatory, and punitive damages, costs and any other and further relief deemed appropriate by this Court.

DEFAMATION

Plaintiffs incorporate by reference herein all previous paragraphs

Defendants published false information about Plaintiff by reporting to one or more of the CRAs, or other third parties, namely failing to note the disputed nature of the account.

Likewise, Defendants published false information about Plaintiff each time Plaintiff's credit report was accessed - which was the result intended by Defendant.

The publications and defamations were done maliciously, without privilege, and with a willful intent to injure the Plaintiff.

As a proximate consequence of Defendants' false reporting or publishing, Plaintiffs has been caused to suffer severe emotional and mental distress, and Defendants are liable to Plaintiffs for actual, compensatory, and punitive damages, costs and any other and further relief deemed appropriate by this Court.

INTENTIONAL MISREPRESENTATION

Plaintiffs incorporate by reference all previous paragraphs.

Defendants intentionally, maliciously, recklessly and/or negligently misrepresented material facts in that they falsely represented to others that Plaintiff is a deadbeat and does not dispute the aforementioned accounts.

Defendants intend that those who review the credit reports of the Plaintiff will rely upon the misrepresentations and suppressions of material fact related to the mentioned accounts.

Defendant's intended that the justifiable and reasonable reliance by others would adversely affect the Plaintiff.

As a proximate consequence the Defendants' intentional misrepresentation, Plaintiff has been caused to suffer severe emotional and mental distress, and Defendants are liable to

Plaintiff for actual, compensatory, and punitive damages, costs and any other and further relief deemed appropriate by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that judgment be entered against the Defendant for the following:

- (a) actual damages.
- (b) Statutory damages
- (c) costs and reasonable fees
- (d) punitive damages
- (e) For such other relief as the court may deem just and proper.

Tiffany Wells/Pro Se:
404 Aguila St
Carlsbad, California 92008

A handwritten signature in black ink, appearing to read "Tiffany Wells", is placed over a horizontal line.

DEMAND FOR JURY TRIAL

Please take note that Plaintiff demands trial by jury in this action.

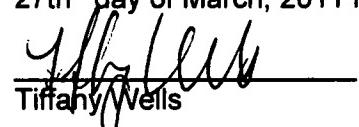
Date: 3/27/11

Signature:



VERIFICATION

I, Tiffany Wells, do declare under penalty of perjury as delineated in 28 USC 1746 that the information contained herein is true and correct to the best of my knowledge. Executed this 27thst day of March, 2011 in the State of California, County of San Diego, City of Carlsbad..


Tiffany Wells

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

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(b) County of Residence of First Listed Plaintiff <u>San Diego</u> (EXCEPT IN U.S. PLAINTIFF CASES)		<i>COURT OF COMMON PLEAS, U.S. DISTRICT COURT OF THE STATE OF CALIFORNIA</i> County of Residence of First Listed Defendant <u>Tarrant, Texas Dallas</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.																																																																																																																																												
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<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 555 Prison Condition																																																																																																																																												
			IMMIGRATION																																																																																																																																											
			<input type="checkbox"/> 462 Naturalization Application																																																																																																																																											
			<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee																																																																																																																																											
			<input type="checkbox"/> 463 Other Immigration Actions																																																																																																																																											
V. ORIGIN <i>(Place an "X" in One Box Only)</i>																																																																																																																																														
<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment																																																																																																																																														
VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>28:1331 ycb</u> Brief description of cause: <u>Violation of FCRA</u>																																																																																																																																														
VII. REQUESTED IN COMPLAINT: <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23		DEMAND \$ 	CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No																																																																																																																																											
VIII. RELATED CASE(S) IF ANY (See instructions):		JUDGE 	DOCKET NUMBER 																																																																																																																																											
DATE <u>3/27/11</u>		SIGNATURE OF ATTORNEY OF RECORD <u>Stephanie M. Miller</u>																																																																																																																																												
FOR OFFICE USE ONLY																																																																																																																																														
RECEIPT # _____		AMOUNT _____		APPLYING IFP _____																																																																																																																																										
				JUDGE _____																																																																																																																																										
				MAG. JUDGE _____																																																																																																																																										